



General Assembly

February Session, 2010

**Amendment**

LCO No. 3442

**\*HB0514603442HDO\***

Offered by:

REP. SERRA, 33<sup>rd</sup> Dist.  
SEN. PRAGUE, 19<sup>th</sup> Dist.  
REP. COOK, 65<sup>th</sup> Dist.  
REP. TALLARITA, 58<sup>th</sup> Dist.  
SEN. GAFFEY, 13<sup>th</sup> Dist.

To: Subst. House Bill No. 5146

File No. 54

Cal. No. 42

**"AN ACT CONCERNING VISITATION OF CHILDREN COMMITTED  
TO THE DEPARTMENT OF CHILDREN AND FAMILIES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 46b-59 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2010*):

5 (a) The Superior Court may grant the right of visitation with respect  
6 to any minor child or children to any person, upon an application of  
7 such person. Such order shall be according to the court's best judgment  
8 upon the facts of the case and subject to (1) the provisions of  
9 subsection (b) of this section; and (2) such conditions and limitations as  
10 it deems equitable, provided the grant of such visitation rights shall  
11 not be contingent upon any order of financial support by the court. In

12 making, modifying or terminating such an order, the court shall be  
13 guided by the best interest of the child, giving consideration to the  
14 wishes of such child if he is of sufficient age and capable of forming an  
15 intelligent opinion. Visitation rights granted in accordance with this  
16 section shall not be deemed to have created parental rights in the  
17 person or persons to whom such visitation rights are granted. The  
18 grant of such visitation rights shall not prevent any court of competent  
19 jurisdiction from thereafter acting upon the custody of such child, the  
20 parental rights with respect to such child or the adoption of such child  
21 and any such court may include in its decree an order terminating  
22 such visitation rights.

23 (b) In the case of an application for visitation by a grandparent, the  
24 court shall grant an order if the applicant demonstrates by clear and  
25 convincing evidence that visitation is in the best interests of the child  
26 and at least one of the following: (1) The parent, who is the child of the  
27 grandparent, has been absent for a significant period of time; (2) the  
28 applicant's relationship with the child has been parental in nature for a  
29 substantial period of time; or (3) the child will suffer real and  
30 substantial harm or neglect if visitation is not granted."